

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police - Appeal Petition of Sri U.V.Prasada Rao, Reserve Inspector, AR, Guntur Urban against the punishment of **"Dismissal from Service"** - **Allowed** - Modified the punishment - Orders - Issued

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HOME (SER.I) DEPARTMENT

G.O.Rt.No. 489

Dated: 22/04/2014

Read the following:-

- Ref: 1) From, Sri U.V.Prasada Rao, Reserve Inspector, AR, Guntur Urban, appeal petition dated 22.01.2013 received through M(Home) Endt. dated 31.01.2013  
2) Govt.Memo.No.6884/Ser.I/A2/13-1, dated: 12.03.2013  
3) From the Director General of Police, A.P., Hyderabad  
Lr.Rc.No.947/Appeal-3/2013, dated 24.05.2013

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In the reference 1<sup>st</sup> read above, Sri U.V.Prasada Rao, Reserve Inspector, AR, Guntur Urban, has submitted an appeal petition with a request to set-aside the punishment of **"Dismissal from Service"** for the reasons mentioned therein.

2. In the reference 3<sup>rd</sup> read above, the D.G.P., Hyderabad, who was consulted in the matter, has reported that Sri U.V.Prasada Rao, Reserve Inspector, AR, Guntur Urban, along with other co-delinquent Sri A.Srinivasa Rao, RSI, DAR Nellore were dealt with major charges under Rule 20 of APCS (CC&A) Rules, 1991, as shown below:-

- 1) "Exhibited reprehensible conduct, indulged in acts involving moral turpitude, behaved in a manner unbecoming of a Police Officer towards his subordinates and their wives and indulging in corrupt activities as RI (Admn), AR Nellore, prior to 24.07.2005"
- 2) "He demanded PCs 502, P.Jagadeesh, 2012 K.Ramesh and PC 1970 G.Ramaiah, who are working as High Way mobile vehicles drivers to pay Rs.3,000/- per month and if the PCs do not oblige, the turn of the duties of the PCS would be limited to 6 months by sending substitute drivers"
- 3) He collected Rs.2,000/- @ Rs.500/- each from PC 1721 M.Dhanujaya, PC 1619, G.Mohana Rao, PC 897 G.Venkateswarly and PC 1218 P.Srinivasulu through PC 1721 M.Dhanujaya for not sending them to perform bus driver duties at PTC, Amberpet, Hyderabad
- 4) "He accepted PCs 502 P.Jagadeesh, 1619 G.Mohan Rao, 1688 D.Guravaiah, PC 2012, K.Ramesh, PC 597 Ch.Venkateswarlu, PC 960, Ch.Ramaiah, HC 923 G.D.Ramaiah, PC 898, N.Prabhakar and PC 1078 SK.Showkath Basha used to give Rs.100/0 per month besides 10 liters of Diesel to the RI through Head Quarters RSI as monthly mamools and that a further demand for 300 liters of Diesel Oil per month from all the drivers put together was made through PC 1761"
- 5) He abused HC 1245 P.Malakondaiah, when the HC requested to arrange a vehicle to take his pregnant daughter to Hospital when the HC was on Election Bandobust duty at Penugonda."
- 6) "Verification of POL Daily issue Register revealed certain over writings in the figures of Diesel Oil issued"

P.T.O

II Sri A.Srinivasa Rao, RSI, DAR Nellore:-

- 1) "He as RSI Hed Quarter collected Rs.100/0 and 10 liters of Diesel Oil from each driver per month"
- 2) He demanded the drivers through PC 1446 to give 300 liters of Diesel Oil per month for also realizing the amount to present a cell phone to the RI"
- 3) Verification of POI daily issue register revealed certain over writings in the figures of Diesel Oil issued. The daily issues were signed at the close of the day by the RI AR till 11.02.2005 and by RSI Head Quarters (Charged Officer) thereafter."

3. The DGP, AP, Hyderabad has further informed that, after following the due procedure laid down in APCS (CC&A) Rules, 1991, the punishment of **"Dismissal from service"** has been imposed on the two charged officers for the charges proved in the Oral Enquiry, by the IGP, Guntur Range in his proceedings C.No.28 & 29/PR/2005, dated 18.09.2010 (ROO.No.504/2010) and in Proceedings C.No.28 & 29/PR/2005, dated 18.09.2010 (ROO.No.505/ 2010). The punishment of dismissal from service imposed on the co-delinquent Sri A.Srinivasa Rao @ D.Srinivas Reddy, (f) RSI, DAR, Nellore was modified to that of **"PPI for two years without effect on future increments and pension"** and the period of suspension and out of employment was treated as **"Not on duty"** by the appellate authority., i.e., DGP, AP, Hyderabad, in the Proceedings D.Dis.No.4127/Appeal/2010, dated 10.07.2012.

4. The DGP, AP, Hyderabad has further informed that, Sri U.V.Prasada Rao, Ex-RI (AR) approached APAT, Hyderabad and filed OA No.8323/2010 and the APAT pronounced orders dated 21.02.2011 as follows:-

*"There is no delegation of powers to any other Sub-ordinate Officers, more particularly, the Inspector General of Police, Guntur Range. When the constitution specifically provides that the major penalty shall be imposed by the appointing authority on a Civil Servant, the rule 11 (25) (1) (b) providing that the DIG, is the competent authority to impose major penalty under Rule 9 of APCS (CC&A) Rules is unconstitutional. Therefore, Rule 11 (25) (1) (b) of the APCS (CC&A) Rule is quashed as unconstitutional and consequently the impugned proceedings, dismissing the applicant from service issued by the 4<sup>th</sup> respondent is illegal, therefore, it is also liable to be set-aside".*

*In the result, the OA is allowed, quashing rule 11 (25) (1) (b) of the APCS (CC&A) Rules, in so far it relates to Reserve Inspector (RI) is concerned by holding that it s ultra vires to Article 311(1) of the Constitution of India. Consequently the impugned proceedings C.No.28 & 29/PR/2005, dated 18.09.2010 (ROO.No.504/2010) dated 18.09.200, dismissing the applicant from service is also set-aside."*

5. The DGP, AP, Hyderabad, has further informed that, after obtaining the necessary instructions from the Govt., vide Memo.No.2791/Ser.II/A2/2012, Home (Ser.II) Deptt., dated 20.04.2012, a show cause notice dated 23.07.2012 was served on Sri U.V.Prasada Rao, RI, AR of Nellore District for further representation with in 15 days through SP Guntur and he acknowledged it on 08.08.2012 and he submitted his further representation on 17.09.2012. On receipt of the explanation to the show cause notice, the DGP, AP, Hyderabad imposed the punishment of **"Dismissal from Service"** in Proceedings D.Dis No.489/Appeal-3/2010 dated 17.11.2012. Now, the charged officer has submitted his appeal petition to the Government against the orders dated 17.11.2012. Finally, the DGP, AP, Hyderabad while enclosing the connected PR file along with parawise remarks on the representation of the charged officer together with service particulars and

defaulter sheet in respect of Sri U.V.Prasad Rao, ex-RI, AR, has requested to issue necessary orders, as deemed fit.

6. Government after careful examination of the entire matter with reference to the records made available, have decided to **modify** the punishment of dismissal from service to that of "RTSP by three stages for two years with effect on future increments and pension". Accordingly, Government hereby **modify the punishment of dismissal from service** imposed on Sri U.V.Prasad Rao, ex-RI, AR, **to that of "RTSP by three stages for two years with effect on future increments and pension"** and he shall be **reinstated into service immediately**. The records received vide reference 3<sup>rd</sup> cited is herewith returned which should be acknowledged.

7. The Director General of Police, A.P., Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.P.DAS  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Individual concerned through Director General of Police, A.P., Hyderabad  
The Director General of Police, A.P., Hyderabad.

Copy to:

The Accountant General of Andhra Pradesh, Hyderabad.  
The Director of Treasuries & Accounts, A.P. Hyderabad.  
SF/SC

// FORWARDED :: BY ORDER//

SECTION OFFICER